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PTO/SB/64 (11-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: Kiem Tinh Le

Application No.: 09/954,618

Art Unit:

Filed: 09/11/2001

Examiner:

Title: Apparatus and Method For Vehicle Navigation

**RECEIVED**

MAR 30 2004

**OFFICE OF PETITIONS**

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX: (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

Small entity-fee \$ 650.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in 37 CFR 1.84 the form of substitute drawings in compliance with (identify type of reply):

has been filed previously on \_\_\_\_\_.

is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_.

has been paid previously on \_\_\_\_\_.

is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

03/25/2004 EFS/EAY1 00000011 0954610  
650.00 up  
01 FC:1999

## 3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

\_\_\_\_\_  
Date\_\_\_\_\_  
Signature

Telephone

Number: (713) 629-7966 ext. 160Lan Q. Ngo

Typed or printed name

3900 Essex Lane, Suite 730

Address

Enclosures:  Fee PaymentHouston, Texas 77027

Address

 Reply Terminal Disclaimer Form Additional sheets containing statements establishing unintentional delay Other: Substitute Drawings

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

\_\_\_\_\_  
Date\_\_\_\_\_  
SignatureLan Q. Ngo

Type or printed name of person signing certificate

McFATRIDGE, BAKER & DEEN, P.C.  
A PROFESSIONAL CORPORATION

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MAR 30 2004

**OFFICE OF PETITIONS**

March 25, 2004

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

BY EXPRESS MAIL #EU869693008US

Re: Application No.: 09/954,618  
Filing Date: 09/11/2001  
First Named Applicant: Kiem Tinh Le

Dear Commissioner:

This letter is in response to your Notice of Abandonment, dated 11/06/2003, a copy of which is enclosed, which dismissed our application for failure to timely or properly reply to the Notice to File Corrected Application Papers mailed on 10/16/2001, a copy of which is also enclosed.

Included within, petitioner provides that:

- (1) The failure to timely or properly reply to the Notice to File Corrected Application Papers was unintentional as applicant was not aware that the law office of Daniel O'Neill was not responsive to the notice to file corrected application papers and notice of abandonment;
- (2) A firm check in the amount of \$650.00 is included for payment of the petition fee for a small entity to revive the above-referenced application, as set forth in 37 CFR 1.17(m);
- (3) Form SB/64, Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b) is enclosed;
- (4) Additional sheets containing statements establishing unintentional delay are enclosed;
- (5) Substitute drawings are enclosed in compliance with 37 CFR 1.84; and

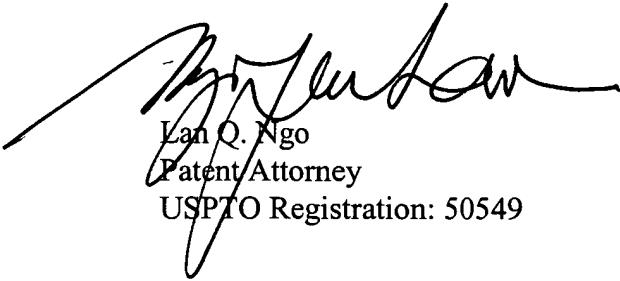
Commissioner for Patents  
March 25, 2004  
Page 2

- (6) Four (4) Forms SB/82, Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address, for the applicants or assignees of record are enclosed.

In accordance with 35 USC (a)(7) and pursuant to 37 CFR 1.137(b), I respectfully request your office to affirm that the failure to timely or properly reply to the Notice to File Corrected Application Papers was unintentional and that the enclosed fees and documents are sufficient to revive the above patent.

I look forward to your favorable response.

Very truly yours,



Lan Q. Ngo  
Patent Attorney  
USPTO Registration: 50549

Enclosures

NOTICE OF FEE DUE

DATE: 03 - 29 -08

TO: DAC

FROM: Office of Initial Patent Examination

SUBJECT: Fee Due

APPLICATION NUMBER: 09/954,618

A fee is due for the attached document submitted to the U. S. Patent and Trademark Office for the following reason. Please check the application for the appropriate authorization to charge a deposit account. If an authorization is present, please charge the appropriate fee. If an authorization is not present, notify the applicant of the fee deficiency.

Insufficient fee by check

Insufficient funds in deposit account

Declined credit card

Non authorization for charge to deposit account

No fee submitted per requirement

The correct fee code: 2453 amount \$ 665

The suspended fee code: 1979 amount -\$ 650

Fee Due amount = \$ 15

If you have any questions, please contact Cynthia Streater at 703-306-5430 or Eleanor Kurtz at 703-308-3642.

Terminal Operator E-A